

**SUPREME COURT MINUTES
MONDAY, AUGUST 10, 2009
SAN FRANCISCO, CALIFORNIA**

S163577

**IMPERIAL MERCHANT
SERVICES, INC. v. HUNT
(BRANDY G.)**

Opinion filed

We hold that the statutory damages prescribed in section 1719 are exclusive; a payee who recovers a service charge pursuant to section 1719 may not also recover prejudgment interest under section 3287.

Majority Opinion by Chin, J.

-- joined by George, C. J., Kennard, Baxter, Werdegar, Moreno, and Corrigan, JJ.

S173673

B207962 Second Appellate District, Div. 3

**PEOPLE v. CRUZ (SOCHIL
TRIANA)**

The time for granting or denying review in the above-entitled matter is hereby extended to September 17, 2009.

S173738

B208767 Second Appellate District, Div. 3

**PEOPLE v. MONTANO
(OMAR)**

The time for granting or denying review in the above-entitled matter is hereby extended to September 17, 2009.

S173759

B213766 Second Appellate District, Div. 1

**HAMILTON (DONALD
RUSSELL) ON H.C.**

The time for granting or denying review in the above-entitled matter is hereby extended to September 11, 2009.

S173773

A119698 First Appellate District, Div. 2

**PEOPLE v. HARDIN (WILLIE
LEE)**

The time for granting or denying review in the above-entitled matter is hereby extended to September 11, 2009.

S173779 F052296 Fifth Appellate District

**PEOPLE v. MORRISON
(DAVID WAYNE)**

The time for granting or denying review in the above-entitled matter is hereby extended to September 17, 2009.

S173792 G040219/G040257 Fourth Appellate District, Div. 3 **A.V., IN RE**

The time for granting or denying review in the above-entitled matter is hereby extended to September 11, 2009.

S173873 C058148 Third Appellate District

**PEOPLE v. SMITH
(CHARLES RAY)**

The time for granting or denying review in the above-entitled matter is hereby extended to September 15, 2009.

S173928 D051337 Fourth Appellate District, Div. 1

**PEOPLE v. CARREA, JR.,
(CHRISTOPHER)**

The time for granting or denying review in the above-entitled matter is hereby extended to September 16, 2009.

S173938 B205884 Second Appellate District, Div. 8

**PEOPLE v. CHILDS
(RAHEEN MARIO)**

The time for granting or denying review in the above-entitled matter is hereby extended to September 16, 2009.

S173939 B215967 Second Appellate District, Div. 2

**VALDEZ (DANNY RICHARD)
v. S.C. (PEOPLE)**

The time for granting or denying review in the above-entitled matter is hereby extended to September 16, 2009.

S173973 D052091 Fourth Appellate District, Div. 1

PEOPLE v. MENA (JOAQUIN)

The time for granting or denying review in the above-entitled matter is hereby extended to September 17, 2009.

S173978 C057745 Third Appellate District**PEOPLE v. JOHNSON (PAUL
STEPHEN)**

The time for granting or denying review in the above-entitled matter is hereby extended to September 15, 2009.

S022998**PEOPLE v. TOWNSEL
(ANTHONY LETRICE)**

Extension of time granted

Good cause appearing, and based upon Deputy State Public Defender C. Delaine Renard's representation that she anticipates filing the appellant's opening brief by January 15, 2010, counsel's request for an extension of time in which to file that brief is granted to October 16, 2009. After that date, only two further extensions totaling about 90 additional days are contemplated.

S033149**PEOPLE v. WEAVER
(LATWON REGENIAL)**

Extension of time granted

Good cause appearing, and based upon counsel James S. Thomson's representation that he anticipates filing the appellant's reply brief by September 20, 2010, counsel's request for an extension of time in which to file that brief is granted to October 6, 2009. After that date, only six further extensions totaling about 330 additional days will be granted.

S042346**PEOPLE v. JONES (BRYAN
MAURICE)**

Extension of time granted

Good cause appearing, and based upon Senior Deputy State Public Defender Joseph E. Chabot's representation that he anticipates filing the appellant's reply brief by April 17, 2010, counsel's request for an extension of time in which to file that brief is granted to October 13, 2009. After that date, only three further extensions totaling about 180 additional days will be granted.

S057321**PEOPLE v. LOMAX
(DARREL LEE)**

Extension of time granted

Good cause appearing, and based upon Supervising Deputy State Public Defender Jessica K. McGuire's representation that she anticipates filing the appellant's supplemental reply brief by September 9, 2009, counsel's request for an extension of time in which to file that brief is granted to September 9, 2009. After that date, no further extension is contemplated.

S062417**PEOPLE v. SILVERIA
(DANIEL TODD) & TRAVIS
(JOHN RAYMOND)**

Extension of time granted

Good cause appearing, and based upon Senior Deputy State Public Defender John Fresquez's representation that he anticipates filing appellant Daniel Todd Silveria's opening brief by June 2010, counsel's request for an extension of time in which to file that brief is granted to October 6, 2009. After that date, only four further extensions totaling about 240 additional days are contemplated.

An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

S072316**PEOPLE v. GONZALES
(VERONICA UTILIA)**

Extension of time granted

Good cause appearing, and based upon counsel Mark E. Cutler's representation that he anticipates filing the appellant's reply brief by October 6, 2009, counsel's request for an extension of time in which to file that brief is granted to October 6, 2009. After that date, no further extension is contemplated.

S075136**PEOPLE v. COVARRUBIAS
(DANIEL SANCHEZ)**

Extension of time granted

Good cause appearing, and based upon counsel Thomas Lundy's representation that he anticipates filing the appellant's reply brief by October 2, 2009, counsel's request for an extension of time in which to file that brief is granted to October 2, 2009. After that date, no further extension is contemplated.

S086234**PEOPLE v. MILES (JOHNNY
DUANE)**

Extension of time granted

Good cause appearing, and based upon counsel Peter Giannini's representation that he anticipates filing the appellant's opening brief by February 15, 2010, counsel's request for an extension of time in which to file that brief is granted to October 13, 2009. After that date, only two further extensions totaling about 120 additional days will be granted.

S087533**PEOPLE v. POPS (ASWAD) &
WILSON (BYRON)**

Extension of time granted

Good cause appearing, and based upon Senior Deputy State Public Defender Joseph E. Chabot's representation that he anticipates filing appellant Byron Wilson's opening brief by December 8, 2009, counsel's request for an extension of time in which to file that brief is granted to October 6, 2009. After that date, only one further extension totaling about 60 additional days is contemplated.

S089478**PEOPLE v. MAI (HUNG
THANH)**

Extension of time granted

Good cause appearing, and based upon Deputy State Public Defender C. Delaine Renard's representation that she anticipates filing the appellant's opening brief by October 13, 2009, counsel's request for an extension of time in which to file that brief is granted to October 13, 2009. After that date, no further extension is contemplated.

An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

S090602**PEOPLE v. PEOPLES (LOUIS
JAMES)**

Extension of time granted

Good cause appearing, and based upon counsel Phillip H. Cherney's representation that he anticipates filing the appellant's opening brief by November 24, 2009, counsel's request for an extension of time in which to file that brief is granted to September 25, 2009. After that date, only one further extension totaling about 60 additional days is contemplated.

An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

S096438**CARTER (TRACEY LAVELL)
ON H.C.**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Corey J. Robins's representation that he anticipates filing the return to the order to show cause by September 28, 2009, counsel's request for an extension of time in which to file that document is granted to September 28, 2009. After that date, no further extension is contemplated.

S096809**PEOPLE v. POYNTON
(RICHARD JAMES)**

Extension of time granted

Good cause appearing, and based upon counsel Carla Johnson's representation that she anticipates filing the appellant's opening brief by September 10, 2010, counsel's request for an extension of time in which to file that brief is granted to October 5, 2009. After that date, only six further extensions totaling about 330 additional days are contemplated.

An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

S105403**PEOPLE v. CHHOUN (RUN
PETER) & PAN (SAMRETH
SAM)**

Extension of time granted

On application of appellant Samreth Sam Pan and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to October 9, 2009.

S107653**PEOPLE v. CRAWFORD
(CHARLES EDWARD)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to October 9, 2009.

S110541**PEOPLE v. MURTISHAW
(DAVID LESLIE)**

Extension of time granted

Good cause appearing, and based upon Senior Deputy State Public Defender Gail R. Weinheimer's representation that she anticipates filing the appellant's reply brief by October 12, 2009, counsel's request for an extension of time in which to file that brief is granted to October 13, 2009. After that date, no further extension is contemplated.

S161608**FUIAVA (FREDDIE) ON H.C.**

Extension of time granted

Good cause appearing, and based upon counsel Michael Satris's representation that he anticipates filing the reply to the informal response to the petition for writ of habeas corpus by September 10, 2009, counsel's request for an extension of time in which to file that document is granted to September 10, 2009. After that date, no further extension is contemplated.

S175020 B197592 Second Appellate District, Div. 8 **PEOPLE v. SANCHEZ (JOSE S.)**

Order filed

The time for granting review on the court's own motion is hereby extended to September 7, 2009. (Cal. Rules of Court, rule 8.512(c).)

S175387 A124839 First Appellate District, Div. 1 **LINZA (PHIL) v. COPANSKY (PAUL)**

Order filed

The time for granting review on the court's own motion is hereby extended to September 8, 2009. (Cal. Rules of Court, rule 8.512(c).)

S175068 **ARAMBULA (GONZALO) v. S.C. (PEOPLE)**

Transferred to Court of Appeal, Second Appellate District

The above entitled matter is transferred to the Court of Appeal, Second Appellate District, for consideration in light of *Hagan v. Superior Court* (1962) 57 Cal.2d 767. In the event the Court of Appeal determines that this petition is substantially identical to a prior petition, the repetitious petition must be denied.

S175090 **HATTAR (SAMUEL) v. S.C. (PEOPLE)**

Transferred to Court of Appeal, Fourth Appellate District, Division Two

The above-entitled matter is transferred to the Court of Appeal, Fourth Appellate District, Division Two.

S175093 **BROWN (CLYDE) v. DEPARTMENT OF CORRECTIONS & REHABILITATION (ADAMS)**

Transferred to Court of Appeal, Fifth Appellate District

The above-entitled matter is transferred to the Court of Appeal, Fifth Appellate District.

A124839

First Appellate District, Div. 1

**LINZA (PHIL) v. COPANSKY
(PAUL)**

The time for granting review on the court's own motion is hereby extended to September 8, 2009.
(Cal. Rules of Court, rule 8.512(c).)

Fourth Appellate District, Div. 2

TRANSFER ORDERS

The following matters, now pending in the Court of Appeal, Fourth Appellate District, are transferred from Division Two to Division One:

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|-----|---------|---------------------------------|
| 1. | E044694 | People v. Jimmy Luera et al. |
| 2. | E046738 | People v. Michael Beaudette |
| 3. | E046443 | People v. Davion Keel et al. |
| 4. | E047570 | People v. James Harrison et al. |
| 5. | E047926 | People v. Dino Moreno et al. |
| 6. | E047978 | People v. Perla Gonzalez |
| 7. | E047924 | People v. Anthony Aranada, Jr. |
| 8. | E047787 | People v. Graciano Lopez |
| 9. | E047902 | People v. Shauntae Taylor |
| 10. | E047971 | People v. Hector Macias |